

These minutes have been approved by the Board on 1.27.2022

**MINUTES OF THE MEETING OF THE  
BOARD OF FUNERAL DIRECTING AND EMBALMING**

October 28, 2021

**1. ROLL CALL**

The meeting of the Board of Funeral Directing and Embalming was called to order by Steven Brunken, Chair, at 8:32 a.m., in the Lower Level B, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) emailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 10.18.2021.

The following members answered roll call:

**Members Present (4):**

The following members answered roll call:

Lawrence Battaglia, Secretary  
Steven Brunken, Chairperson  
Leo Seger, Member  
Arvid Wiest, Vice Chair

**Others Present(5):**

Kris Chiles, Program Manager, Licensure Unit  
Carrie Oldehoeft, Health Licensing Coordinator  
Natalee Hart, Assistant Attorney General  
Sara Houston, DHHS attorney  
Larry Wiehn, Investigator

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Battaglia moved, seconded by Wiest, to adopt the agenda. A voice vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

**3. APPROVAL OF MINUTES (7.23.2020)**

**MOTION:** Seger moved, seconded by Wiest, to approve the minutes of 7.23.2020. A voice vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

**4. UPDATES AND REPORTS**

Chiles reviewed the suggested education changes proposed by the Association, and opened for discussion with the Board. Board supported the suggested changes. Suggestion from Board to review with Association the Branch establishment elimination. (attached)

8:41 a.m. Harrison joined via phone

- a. LANCE- Chiles reported that the Licensure Unit is moving to an internet based licensing system starting late 2021 and implementation ending 2022 called LANCE (Nebraska Licensing and Certification Environment).

LANCE will provide 24/7/365 access to real time license-related data, and provide licensees and applicants access to online services such as: application submission, uploading documents, renewal and reinstatement submissions, receiving automatic notifications of upcoming events and application status, updating contact information, and paying fees by credit/debit card or ACH through a PC, tablet, or phone.

An email address is required for licensees and applicants to utilize the on-line services in LANCE and to obtain important licensing information via automated notifications. Licensees will be receiving a postcard in the near future asking licensees to update demographics if out-dated.

9:10 a.m. Wiehn exited room  
9:12 a.m. Wiehn entered room

- b. Nebraska Funeral Directing Association (NEFDA) No report
- c. International Conference of Funeral Service Examination Board, Inc. (ICFSEB), it was reported that the conference will be February 23 – 24, 2022 in Houston, registration is online at this time and the ICFSEB is allowing 1 expense paid delegate per state, Arvid will represent Nebraska.
- d. Review of the Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed as attached to agenda.

9:16 a.m. BREAK  
9:16 a.m. Harrison left phone call  
9:27 a.m. Harrison entered in room

## **5. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION**

**MOTION:** Wiest moved, seconded by Battaglia, to enter into closed session at 9:28 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Seger repeated the motion purpose. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

9:28 a.m. Oldehoeft exited room  
9:28 a.m. Chiles exited room  
10:35 a.m. Oldehoeft entered room  
10:35 a.m. Chiles entered room  
10:35 a.m. Seger exited room  
10:42 a.m. Seger entered room  
11:05 a.m. Wiehn exited room  
11:05 a.m. Harrison exited room

**MOTION:** Brunken moved, seconded by Battaglia, to return to open session at 11:05 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion

## **6. REVIEW AND RECOMMENDATIONS – OPEN SESSION**

### **Mid America First Call – Funeral Establishment**

**MOTION:** Seger moved, seconded by Battaglia, to recommend a 1 year probation, with the following terms and conditions: The owner/manager successfully complete the jurisprudence examination within 90 days. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4) Voting nay: None (0). Absent: None (0). Motion carried.

Schedule 2022 Meetings: The following dates were agreed to: January 27, April 28, July 21, October 277.

## **ADJOURNMENT**

The next meeting is scheduled for 1.27.2022 as a conference call and declared the meeting. There being no further business, the chair declared the meeting adjourned at 11:25 a.m.

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Lawrence Battaglia, Secretary  
Board of Funeral Directing and Embalming

Summarized by: Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit

Proposed by Lauber

10.28.2021

**38-1414. Funeral directing and embalming; license; requirements.**

- 1) The department shall issue a single license to practice funeral directing and embalming to applicants who meet the requirements of this section. An applicant for a license as a funeral director and embalmer shall:
  - a.) Present satisfactory proof that the applicant has earned the equivalent of ~~sixty-four~~ semester hours of college credit in addition to a full course of instruction in an accredited school of mortuary science. An applicant who presents proof of a bachelor's degree in Mortuary Science Program or a bachelor's degree in a field of biological sciences shall have met the 40 hour requirements. They will have to also show proof of a full instruction in an accredited school of mortuary science. Such hours such include the equivalent of (i) six semester of hours of English, (ii) ~~six-12~~ semester hours of Accounting Business, (iii) ~~eight-four~~ semester hours of Chemistry, (iv) 12 semester hours of Biological Science relating to the human body, and (v) six semester hours of Psychology/Counseling; and
  - b.) Present proof to the department that he or she has completed the following training;
    - (i) A full course of instruction in an accredited school of Mortuary Science;
    - (ii) A 12-month apprenticeship under the supervision of a license funeral director or embalmer practicing in the State of Nebraska, Which apprenticeship shall consist of arterial embalming 25 bodies and assisting with 25 funerals.....

Suggestions for Board consideration based on proposal above:

**38-1414. Funeral directing and embalming; license; requirements.**

- (1) The department shall issue a single license to practice funeral directing and embalming to applicants who meet the requirements of this section. An applicant for a license as a funeral director and embalmer shall:
  - (a) ~~Present satisfactory proof that the applicant has~~ Have earned the equivalent of ~~sixty-four~~ semester hours of college credit in addition to a full course of instruction in an accredited school of mortuary science. Such hours shall include the equivalent of (i) six semester hours of English, (ii) ~~six twelve~~ semester hours of accounting Business, (iii) ~~eight four~~ semester hours of chemistry, (iv) twelve semester hours of a biological science relating to the human body, and (v) six semester hours of psychology or counseling; ~~and~~  
An applicant who has a bachelor's degree from an accredited school of Mortuary Science has met the forty semester hour requirements specified in section (1)(a);
  - ~~(b) Present proof to the department that he or she has completed the following training:~~  
(b) Have completed (i) A a full course of instruction in an accredited school of mortuary science;
  - (c) Have completed (ii) A a twelve-month apprenticeship under the supervision of a licensed funeral director and embalmer practicing in the State of Nebraska, which apprenticeship shall consist of arterially embalming twenty-five bodies and assisting with twenty-five funerals; and
  - (d) (iii) Have successfully completed ~~tion~~ of the licensure examination approved by the board.
- (2) ~~Any person holding a valid license as an embalmer on January 1, 1994, may continue to provide services as an embalmer after such date. Upon expiration of such valid license, the person may apply for renewal thereof, and the department shall renew such license to practice embalming.~~
- (3) ~~Any person holding a valid license as a funeral director on January 1, 1994, may continue to provide services as a funeral director after such date. Upon expiration of such valid license, the person may apply for renewal thereof, and the department shall renew such license to practice funeral directing.~~

**38-1416. Apprenticeship; apprentice license; examination.**

- (1) Before beginning an apprenticeship, an applicant shall apply for an apprentice license. The applicant shall show that he or she has completed thirty-nine of the sixty hours required in subdivision (1)(a) of section 38-1414. The applicant may complete the twelve-month apprenticeship in either a split apprenticeship or a full apprenticeship as provided in this section.
- (2) A split apprenticeship shall be completed in the following manner:
  - (a) Application for an apprentice license to complete a six-month apprenticeship prior to attending an accredited school of mortuary science, which license shall be valid for six months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous six-month period;
  - (b) Successful completion of a full course of study in an accredited school of mortuary science;
  - (c) Successful passage of the national standardized examination; and

(d) Application for an apprentice license to complete the final six-month apprenticeship, which license shall be valid for six months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous six-month period.

(3) A full apprenticeship shall be completed in the following manner:

(a) Successful completion of a full course of study in an accredited school of mortuary science;

(b) Successful passage of the national standardized examination; and

(c) Application for an apprentice license to complete a twelve-month apprenticeship. This license shall be valid for twelve months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous twelve-month period. ???????????

(4) An individual registered as an apprentice on December 1, 2008, shall be deemed to be licensed as an apprentice for the term of the apprenticeship on such date.

Consideration for eliminating the Branch establishment ?????????????? since a funeral home can provide all of the following, combination of the following, or just one of the following services:

**38-1411. Funeral establishment, defined.**

Funeral establishment means a place of business situated at a specific street address or location devoted to the care and **preparation** of dead human bodies for burial, disposition, or cremation **or to conducting or arranging funeral services for dead human bodies.**

Want to add any language to reciprocity for ease in mobility to Nebraska?

**38-1421. Reciprocity; military spouse; temporary license.**

The department, with the recommendation of the board, may issue a license based on licensure in another jurisdiction to an individual who meets the requirements of the Funeral Directing and Embalming Practice Act or substantially equivalent requirements as determined by the department, with the recommendation of the board. An applicant for licensure under the act who is a military spouse may apply for a temporary license as provided in section 38-129.01.